

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2012

beginning at Page 1

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Wednesday  
May 15, 2013

Senate called to order by President Justin L. Alfond of Cumberland County.

Prayer by Reverend Margaret Beckman, First Universalist Church in Pittsfield.

**REVEREND BECKMAN:** Good morning. I invite you, if you are willing and able, to pause for a moment, take a deep breath. Having left your homes, having walked through the bright spring air of morning, having entered this place, and gathered your ideas and pages, having checked schedules, e-mails, Tweets, Facebook, Linked In and having already made too many phone calls, you have arrived here; here to our Maine State Senate Chamber where you come to take on the duties of legislative leadership. Just now, I invite you to pause and breathe, be centered in your own place of peace and quiet for a moment of reflection and to receive a blessing.

Spirit of love, source of compassion, as we join our hearts together in the presence of the mystery of life, may we be reminded of our highest aspirations, may we be inspired to bring our gifts of service to the people of Maine, and may we always remember to love kindness, to do justice, and to walk in humility. For those who bring gifts of leadership and service, may you remain mindful of the providence that calls you to serve. When the clamor of competing interests threatens to obscure the path forward, may you rise above the fray as an eagle rises on the wind, to see more clearly and widely the way below. Where there is discord, may you be a source of compromise and calm. May you cherish wisdom more than certainty. May your strength of character hold fast against the temptations of personal gain. May you bring your deepest values to all you do, remembering to let cooperation and mutual respect be high among them. May you comfort the afflicted, even as you are afflicted by the presence of your own comfort. May you remember all those whose well-being depends upon your commitment to fairness, justice, and kindness.

We remember those who went to bed hungry. We remember those who struggle with an education system that does not work for them. We remember those whose homes are cold because of the high cost of energy and fuel oil. We remember those who do not have health insurance and cannot afford good healthcare. We remember those who are bullied at school, at work, or at home. We remember those who are struggling to make a small business successful. We remember those who are still looking for a good job after many months of unemployment or underemployment. We remember those who are our elders, knowing that they need our protection, our care, and our companionship.

May you know and share the respect of your supporters and your adversaries as you pursue to the best of your ability the interests of all the people of Maine. May you find joy in sustained

listening and wisdom from the still point a quiet mind and an open heart. When the demands of the day threaten to overtake your firm resolve to carefully and completely consider the options before you, may the encouragement of your mentors and colleagues rescue you and set you on the right course once again, just as a sailor who trims the sail against an increasing wind. When someone angers or disappoints you, may your graciousness and patience bring them dignity and renewal. At the end of a long day and a long session, when you are bone weary and spiritually drained, may you know the comfort of a job well done and may rest and the company of good friends restore your soul. May personal integrity be your first ideal, the foundation that will guide and bless your work. May serving the people of Maine be for you a true adventure of spirit, full of growth and excitement, and may it be its own blessing. May all of us be ever mindful of the blessings we receive each day. May we live with gratitude and compassion as our most constant companions and guides. May you be blessed. May you serve well. Amen.

Pledge of Allegiance led by Senator Ronald F. Collins of York County.

Reading of the Journal of Tuesday, May 14, 2013.

Doctor of the day, Su-Anne Hammond, DO of Windham.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Joint Order**

Expressions of Legislative Sentiment recognizing:

The Honorable Lisa Marraché, M.D., of Waterville, on her induction into the Franco-American Hall of Fame. Dr. Marraché is a former longtime member of the Maine Legislature, having served 3 terms in the House of Representatives and 2 terms in the Senate. She also served as a councilor for the City of Waterville. Dr. Marraché is one of the co-founders of the Franco-American Heritage Society of the Kennebec Valley and has always been a strong promoter of her Franco-American heritage in the community. She and her husband, Ronnie Marraché, M.D., both serve the medical needs of our Nation's veterans at the Maine VA Medical Center in Togus. We acknowledge her dedicated service to her community and to the State, and we congratulate her on her induction into the Franco-American Hall of Fame;

HLS 247

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. Ladies and gentlemen of the Senate, yesterday was Franco-American Day and one of our honorees inductees into the Franco-American Hall of Fame was Dr. Lisa Marraché, Senator Lisa Marraché, who lives just a few streets away from me. I wanted to say is that she is someone who has been a mentor. She's someone who I think is well-known in Waterville, well respected, a fine doctor, a fine Senator. I wanted to take this moment just to recognize her myself because she's someone that I consider a friend. Thank you.

**PASSED**, in concurrence.

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**Joint Resolution**

The following Joint Resolution:

H.P. 1104

**RÉSOLUTION CONJOINTE HONORANT LES FRANCO-AMÉRICAINS**

Considérant que, l'état du Maine est nommé après la province du Maine en France et que les villages de Paris et Calais portent les noms de la capitale de France et du port français de Calais, respectivement; et

Considérant que, plus d'un tiers de la population du Maine est de descendance française et canadienne, et les franco-américains du Maine ont contribué beaucoup à la beauté et la qualité de cet état; et

Considérant que, le français est la première langue de milliers de citoyens du Maine, et il y a eu une augmentation de l'utilisation de la langue française et une appréciation croissante de l'héritage franco-américain à travers l'état; et

Considérant que, des clubs et des associations pour promouvoir la culture et la langue française sont nés à travers l'état, y inclus le caucus francophone à la capitale; et

Considérant que, les gens qui parlent couramment le français et l'anglais sont une ressource économique et culturelle pour l'état du Maine; et

Considérant que, le tourisme culturel sera accru par les véritables centres franco-américains à travers l'état et la grande présence de franco-américains dans le Maine peut renforcer davantage nos relations avec le Canada, la France, et les autres pays francophones; et

Considérant que, le premier Jour Franco-Américain a été célébré mercredi, 6 mars, 2002, à la Capitale de l'État; maintenant, alors, qu'il soit

Résolu, que nous, les membres de la Cent-Vingt-sixième Législature, assemblés dans la première session régulière, au nom des gens que nous représentons, proclamons que mardi, 14

mai, 2013 est le Jour Franco-Américain, soit célébré à la Capitale de l'État; et qu'il soit aussi

Résolu, que le Jour Franco-Américain soit célébré pour commémorer la riche histoire du peuple français dans l'état du Maine et aux États-Unis d'Amérique.

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**JOINT RESOLUTION RECOGNIZING FRANCO-AMERICAN DAY**

WHEREAS, the State of Maine is named after the Province of Maine in France and the towns of Paris and Calais owe their names to the capital city of France and the French port city of Calais, respectively; and

WHEREAS, more than 1/3 of the population of Maine is of French and Canadian descent, and Franco-Americans in Maine have contributed much to the beauty and quality of this State; and

WHEREAS, French is the primary language of thousands of Mainers and there has been a resurgence in the use of the French language and a heightened appreciation of the Franco-American heritage throughout the State; and

WHEREAS, clubs and organizations to promote French culture and language have sprung up throughout the State, including the Francophone Caucus at the State Capitol; and

WHEREAS, fluent French-English bilingual people are a cultural and economic resource to the State; and

WHEREAS, cultural tourism can be greatly enhanced by the genuine Franco-American centers throughout the State and the large Franco-American presence in Maine can further strengthen our relationships with Canada, France and the rest of the francophone world; and

WHEREAS, the first Franco-American Day was celebrated on Wednesday, March 6, 2002 at the State Capitol; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, proclaim that Tuesday, May 14, 2013 is Franco-American Day, to be celebrated at the State Capitol; and be it further

RESOLVED: That Franco-American Day be celebrated to commemorate the rich history of the French people in the State of Maine and the United States of America.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 336

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

May 13, 2013

Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford:

This is to inform you that I am today nominating Stacey L. Morrison of Gardiner for appointment to the Maine Governmental Facilities Authority.

Pursuant to Title 4, MRSA §1602, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 338

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

May 13, 2013

Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford:

This is to inform you that I am today nominating Geoffrey S. Smith of Portland for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 337

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

May 13, 2013

Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford:

This is to inform you that I am today nominating the Honorable James W. Parker of Veazie for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 339

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON TAXATION**

May 13, 2013

Honorable Justin L. Alford, Senate President  
Honorable Mark W. Eves, Speaker of the House  
126<sup>th</sup> Maine State Legislature  
State House  
Augusta, Maine 04333

Dear President Alford and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Haskell of Cumberland, to report the following bill Leave to Withdraw:

L.D. 1446 An Act To Review Tax Expenditures on a Revolving Basis

Sincerely,

S/Sen. Anne M. Haskell  
Senate Chair

S/Rep. Adam A. Goode  
House Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: H.C. 164

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

May 14, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
126th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 10, Legislative Document 6, "An Act Regarding the Authority of a School Board To Elect a School Superintendent," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

88 voted in favor and 56 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ** and **ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 340

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
OFFICE OF THE GOVERNOR**

13 May 2013

The 126<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 126<sup>th</sup> Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 521, "An Act To Change the Budget Approval Process for Alternative Organizational Structures."

I cannot support this bill because it moves away from the ballot box and moves towards special meeting. It empowers the boards of alternative organization structures (AOS) to call for special meetings to enhance the power of the board. That new power is the power of the purse, approving the budget for each AOS. If the taxpayers choose to give up that power, it should be done knowingly and openly.

That is why current law requires that change be made at the ballot box during a statewide election. This protects the involvement of Maine citizens by putting issues of importance squarely before them on election day. Deciding who should approve the budget that directly affects their property taxes is one such important issue, and that is why I cannot support this bill.

For these reasons, I return LD 521 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Change the Budget Approval Process for Alternative Organizational Structures

S.P. 211 L.D. 521

**THE PRESIDENT:** The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you Mr. President. Men and women of the Senate, I'd just like to relay a little bit of the background for you as you enter into this decision you are about to make. This bill was an attempt to streamline the budget approval process for the central office of an AOS budget. It allows for a special meeting to be called in order to change the approval or budget process. Under current law, it requires that any changes to the process be done at a statewide election. We worked this for a long time in the committee. There was a lot of hesitancy around this particular bill, but we came to understand what the intent was. The intent was to allow for a change to the central office budget process, not the individual school's budget process. However, when you read this bill and then you read it in context with the whole statute, it's not entirely clear, hence the veto. It doesn't come across clearly, I think, what the bill's intent was. At this point I recommend that we sustain this veto and we have the bill sponsor submit legislation in the next session that more clearly defines the issue. I think those of us in the committee understood the issue, but I don't think if you are outside the committee and read this that you come away with the same understanding. Having read the letter from the Chief Executive, certainly, to me, it

suggests that there are other ways to interpret this. That's a brief explanation to a complicated issue. Thank you.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#73)**

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: COLLINS, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House of Representatives.

Off Record Remarks

Senator **PATRICK** of Oxford was granted unanimous consent to address the Senate on the Record.

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, today I stand before you to recognize an incredible woman and author, Monica Wood. Monica is the author of When We Were the Kennedys: A Memoir from Mexico, Maine, about a quarter of a mile from my house. Her biography describes the book as a New England bestseller, a number one bestseller in Maine. Oprah Magazine's Summer Reading Pick and winner of the 2012 May Sarton Memoir Award. She's also the author of four works of fiction, including Any Bitter Thing, an ABC bestseller, and Book Sense top ten pick. Her other fictions includes Ernie's Ark, Secret Language, and My Only Story, which was a finalist for the Kate Chopin Award. Her widely anthologized short stories have won a Pushcart prize and have been featured

on public radio, including the NPR Program's "Selected Stories". She also writes books for writers and teachers, including the Pocket Use Volumes I and II. Her non-fiction appeared in Oprah, New York Times, Martha Stewart Living, and many other publications. She lives in Portland, Maine, where she conducted a writing program for women at the Maine Correctional Center. I'm really blessed to say she's a lot younger than I am, although she graduated a year ahead of me. She has done the town of Mexico proud, the state of Maine proud, and I'm so blessed to have been at one of her readings. She will be at the Welcome Center after session to sign books and she does have some. I'm really honored to say that I went to school with someone that thinks. Thank you, Mr. President.

Off Record Remarks

**SENATE PAPERS**

Resolve, To Restore the Integrity of the State Pay System (EMERGENCY) S.P. 584 L.D. 1539

Presented by Senator CAIN of Penobscot. Cosponsored by Representative GILBERT of Jay and Senators: JACKSON of Aroostook, JOHNSON of Lincoln, LACHOWICZ of Kennebec, SAVIELLO of Franklin, Representatives: GRAHAM of North Yarmouth, MARKS of Pittston, WILSON of Augusta. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

**ORDERS**

**Joint Order**

On motion by Senator **HASKELL** of Cumberland, the following Joint Order: S.P. 583

ORDERED, the House concurring, that the Joint Standing Committee on Taxation shall report out, to the Senate, a bill to require review of tax increment financing.

**READ and PASSED.**

Sent down for concurrence.

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Expressions of Legislative Sentiment recognizing:

Jasmine and Christina Smedberg, of Waterville, 7th grade students at Waterville Junior High School, who received the Hardy Girls Healthy Women Girls Rock Awards 2013 Community Organizing Award for their anti-bullying efforts. We congratulate Jasmine and Christina on their receiving this well-deserved award;

SLS 327

Sponsored by Senator LACHOWICZ of Kennebec.  
Cosponsored by Representatives: BECK of Waterville,  
LONGSTAFF of Waterville.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Lachowicz.

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I stand up today to recognize Jasmine and Christina Smedberg. They are two young women students at Waterville Junior High, a place where I have worked in the past. I want to recognize them for their anti-bullying efforts. When I first met them they said they wanted to stand up because they wanted to make sure that teenagers never committed suicide because of being bullied. They organized a walk to have people join them in their anti-bullying efforts. They got press for it and they made it bigger and they are doing another one, so much so that they won an award from the Hardy Girls Healthy Women Organization. They are two fine young women who are determined to make sure that no one ever feels the pain of being bullied. I'd like to thank them for being pages today and for being fine, upstanding citizens of Waterville and for Waterville Junior High.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize, again, two pages here with us today; Jasmine and Christina Smedberg. They are here with us. Please rise and accept the warm greetings of the Maine State Senate.

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The York Middle School Odyssey of the Mind Team, which won first place in the E-mail Must Go Through, Division I Challenge. We congratulate the team members on their achievement and send them our best wishes;

SLS 328

Sponsored by Senator HILL of York.  
Cosponsored by Representatives: McGOWAN of York, WEAVER of York.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Hill.

Senator **HILL:** Thank you Mr. President. Ladies and gentlemen of the Senate, I would like to introduce you to the York Middle School Odyssey of the Mind Team. They are here today to visit with us. I'm very proud of them. They won first place in the E-mail Must Go Through Division at the Maine State Tournament. Next week they head to Michigan where they will be joining 800 teams from around the country and the world and actually competing with 60. Needless to say, York is very proud of Zoey, Mack, Logan, Noah, and Jacob. This is their first time to the State House and they are quite impressed. I hope you will join me in welcoming them and congratulating them.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize the York Middle School Odyssey of the Mind Team. Will they please rise and accept the warm greetings of the Maine State Senate.

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Off Record Remarks

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## REPORTS OF COMMITTEES

### House

#### Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Clarifying the Department of Environmental Protection's Authority Relating to Compensation for Development Activity under the Natural Resources Protection Act"

H.P. 544 L.D. 793

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

BOYLE of Cumberland  
GRATWICK of Penobscot  
SAVIELLO of Franklin

Representatives:

WELSH of Rockport  
CHIPMAN of Portland  
COOPER of Yarmouth  
GRANT of Gardiner  
HARLOW of Portland  
McGOWAN of York



The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-143)**.

Signed:

Representatives:

AYOTTE of Caswell  
CAMPBELL of Orrington  
LONG of Sherman  
REED of Carmel

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BOYLE** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Revise the Maine Clean Election Act Regarding Participation in Political Action Committees"  
H.P. 285 L.D. 410

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

TUTTLE of York  
MASON of Androscoggin  
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth  
BEAULIEU of Auburn  
FOWLE of Vassalboro  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington  
LONGSTAFF of Waterville  
SAUCIER of Presque Isle  
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-157)**.

Signed:

Representative:

RUSSELL of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **WOODBURY** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Woodbury.

Senator **WOODBURY:** Thank you Mr. President. Senate colleagues, this bill corrects what I believe to be the single most significant misuse of the Clean Election system in Maine. The Clean Election system was created following a 1996 referendum that citizens passed overwhelmingly. Candidates choosing to run for office under Maine's Clean Election system received public funding for their campaigns and in turn are disallowed from collecting any significant private contributions to their campaigns. The intent of the system to avoid any possibility of our legislative work being influenced in any way, real or perceived, by private financial contributions that might otherwise be made to finance our campaigns. My concern is when candidates become certified as Clean Election candidates on the one hand and then establish their own political action committees on the other hand. These so-called Leadership PACs seek contributions from the same people, the same organizations, and the same interests groups that a candidate might approach for their own campaigns, and, in doing so, they undermine the very intentions of the Clean Election system, to take the influence of money out of politics. In addition, Leadership PACs spend their money trying to influence the outcomes of other campaigns in which one, or often both, candidates are, themselves, running under the Clean Election system. In other words, Leadership PACs not only compromise the ideal of clean election for the Clean Election candidate creating the PAC, it also compromises the ideals of clean elections in the campaigns where these PAC funds are being spent. This bill does not propose to eliminate Leadership PACs. It does not propose to require anyone to have to participate in the Clean Election system in Maine. It simply says that if you do wish to participate in the Clean Election program you cannot also create a Leadership PAC. It disallows what I believe to be a bit of hypocrisy that is allowed under current law. I urge you to defeat the current motion Ought Not to Pass so that we can move forward with improving the Clean Election program. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, as you have heard, this bill amends the provision of the Maine Clean Election Act that outlines the terms of participation. This bill prohibits a certified candidate under Maine Clean Election Act from establishing a political action committee for which the candidate is the principle officer, fundraiser, or decision maker. The unfortunate thing is the way the Minority Report is presently written. It presents legal questions and is probably unconstitutional. You must remember that PAC reform must be

even-handed. Targeting one type of candidate would be unbalanced. This change would actually increase the amount of special interest money in elections because it would drive down participation. The bill may reduce transparency for voters since candidates would still be able to raise money from caucus PACs or party committees. That is the reason why 12 members of the committee voted against it. I hope you will join me today in doing the same. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Valentino.

Senator **VALENTINO:** Thank you Mr. President. Ladies and gentlemen of the Senate, the bill, L.D. 410, "An Act To Revise the Maine Clean Election Act Regarding Participation in Political Action Committees", is the exact same bill that I put in two years ago. I support the bill 110%. Unfortunately, that is not what the Minority Report is. The Minority Report changes the bill and now what's before us is either Ought Not to Pass on the Majority Report or Ought to Pass on the Minority Report, which does not talk about Maine Clean Election. It just talks about the limiting \$350 per contributor per political action committee for which a current legislature is a principle decision maker to. It is not tied back in. I support the bill 100%, but I don't think the amendment is going to do what I wanted it to do originally two years ago or what I want it to do now.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Woodbury.

Senator **WOODBURY:** Thank you Mr. President. May I make a Point of Order question?

**THE PRESIDENT:** The Senator may proceed.

Senator **WOODBURY:** Thank you Mr. President. I believe that the motion before us is Ought Not to Pass on the bill, L.D. 410, not the committee report, which is coming out of committee. I believe what we are voting on is the bill, L.D. 410. Could you clarify that for the Body please.

**THE PRESIDENT:** The Chair would advise membership that the Senator from Cumberland, Senator Woodbury, is correct. The motion in front of the Body is the motion of Ought Not to Pass L.D. 410. The pending question before the Senate is the motion by the Senator from York, Senator Tuttle to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#74)**

**YEAS:** Senators: BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, KATZ, LACHOWICZ, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BOYLE, DUTREMBLE, FLOOD, JOHNSON, LANGLEY, MILLETT, SHERMAN, VALENTINO, WOODBURY

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Senate**

**Ought to Pass As Amended**

Senator **HASKELL** for the Committee on **TAXATION** on Bill "An Act To Allow Cooperative Housing Owners Who Are Blind To Qualify for the Property Tax Exemption"

S.P. 401 L.D. 1164

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-80)**.

Report **READ** and **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-80) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Ordered sent down forthwith for concurrence.

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reduce Obesity among Schoolchildren"

S.P. 397 L.D. 1160

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-81)**.

Signed:

Senators:

MILLETT of Cumberland  
JOHNSON of Lincoln

Representatives:

MacDONALD of Boothbay  
DAUGHTRY of Brunswick  
NELSON of Falmouth  
POULIOT of Augusta  
RANKIN of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

HUBBELL of Bar Harbor  
JOHNSON of Greenville  
KORNFELD of Bangor  
MAKER of Calais  
McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

All matters thus acted upon were ordered sent down forthwith for concurrence.

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### SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

#### House As Amended

Bill "An Act To Exempt Persons Who Have Served in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License"

H.P. 216 L.D. 307  
(C "A" H-136)

Bill "An Act To Require the Development of a Statewide Approach to Seaweed Management"

H.P. 404 L.D. 585  
(C "A" H-126)

Bill "An Act To Create a License for Metal Dealers"

H.P. 560 L.D. 809  
(C "A" H-147)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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### Senate As Amended

Bill "An Act To Update the Maine Emergency Management Laws"

S.P. 121 L.D. 326  
(C "A" S-73)

Bill "An Act To Improve Workers' Compensation Coverage for All Injured Workers"

S.P. 176 L.D. 444  
(C "A" S-75)

Bill "An Act To Amend the Workers' Compensation Self-insurance Laws"

S.P. 255 L.D. 706  
(C "A" S-74)

Resolve, To Repeal the Requirement That the Department of Transportation Facilitate a Feasibility Study of an East-west Highway and Provide for Public Access to Certain Documents

S.P. 330 L.D. 985  
(C "A" S-78)

Bill "An Act To Amend the Charter of the Ashland Water and Sewer District"

S.P. 351 L.D. 1026  
(C "A" S-69)

Bill "An Act To Further Reduce Student Hunger"

S.P. 472 L.D. 1353  
(C "A" S-70)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 508 L.D. 1414  
(C "A" S-72)

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (4/23/13) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Expand Eligible Project Costs in Development Districts"

H.P. 289 L.D. 413

Majority - **Ought to Pass** (11 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - April 23, 2013, by Senator **LACHOWICZ** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 10, 2013, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 23, 2013, Reports **READ**.)

On motion by Senator **LACHOWICZ** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/8/13) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Funding to Schools" (EMERGENCY)

H.P. 459 L.D. 667

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 8, 2013, by Senator **MILLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, May 7, 2013, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-125)**.)

(In Senate, May 8, 2013, Reports **READ**.)

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-125) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/8/13) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Social Work Education Loan Repayment Program"

H.P. 731 L.D. 1036

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-111)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 8, 2013, by Senator **MILLETT** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 7, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.)

(In Senate, May 8, 2013, Reports **READ**.)

On motion by Senator **KATZ** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, I wanted to rise to explain why I will be voting against the pending motion. It comes out of my experience with the Workforce Development Committee that I've been honored to serve on for the last several months. If there is one thing that I've come away from that committee work with it is the conviction that we need to be very careful about how we spend our Workforce

Development dollars because they are scarce. We ought to focus our limited resources on high wage, high growth professions. We have thousands of unfilled precision manufacturing jobs in this state, welder jobs in this state, and nursing jobs in this state that we are not filling because we are not turning out the educated workforce to fill them. From my perspective, that's the group we need to focus on. Even though we would like to give help to everyone to help complete their education, we don't have the resources to be able to do that. In a sense, Mr. President, we do need to pick winners and losers. From my perspective, the winners ought to be incenting our students going into those fields where we know they are going to be high growth, high wage jobs. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you Mr. President. This bill would enable the State of Maine to be able to retain more social workers. It's a struggle that we face at a significant level. All we have to do is look over at DHHS, which has a chronic shortage of family service and child protective workers. They cannot keep employees after a few training years. There have been no raises in five years. Maine hasn't got the money and we are paying the price for that in employee retention where we need it most. This bill has a \$20,000 fiscal note. This isn't going to rock the world, but it is going to be able to allow more social workers to try to stay here in Maine and do their good work. There are other states that are nearby that do have this program and they are able to keep their people working longer in their Health and Human Service Departments and other difficult jobs. They are better able to serve their own citizens. Even some small amount of loan forgiveness is an incentive for social work graduates to remain in challenging and under paying jobs, whether the jobs are with the State or working with non-profits in underserved regions of the state of Maine. Maine has several loan forgiveness programs for other professionals who serve in hard to fill jobs. We fund doctors, dentists, and veterinarians at a far higher subsidy than what we are seeking today with this bill. This bill will help social workers who will watch over our abused children and help put back together Maine families that are in crisis. They do jobs that save lives and save us money. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Millett to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#75)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, GOODALL, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-111) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/8/13) matter:

Bill "An Act To Improve Organ Donation Awareness"  
H.P. 586 L.D. 835  
(C "A" H-103)

Tabled - May 8, 2013, by Senator **JACKSON** of Aroostook

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, May 1, 2013, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103).**)

(In Senate, May 8, 2013, **READ A SECOND TIME.**)

**PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/9/13) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Join in a Prohibition on Motor Fuel Containing Corn-based Ethanol"  
H.P. 97 L.D. 115

Majority - **Ought to Pass** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - May 9, 2013, by Senator **BOYLE** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 8, 2013, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 9, 2013, Reports **READ**.)

Senator **BOYLE** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Boyle.

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to speak to this issue. What this bill would do would be an outright ban on the use of corn based ethanol in the state of Maine. Earlier this legislative session we passed a ban on ethanol in amounts greater than 10% and sent a Resolution to the President and Congress to request that they stop increasing the percentage of ethanol that we have to put in our fuel. We're making steps and we're taking actions. This would create a potentially significant increase in the cost of gasoline and that's why I'm opposing it. If we don't use ethanol Maine would be one of the three states, if this passes, in New England. We could be the one million to two million populations in the country with over 300 million that would have to have a boutique fuel specially blended for these three small states. The cost effect of that likely, I've been told from various reports, would be 10¢ a gallon more and possibly much higher. While I support the idea of reducing the use of corn based ethanol, I think for a very small state like Maine it would be very expensive for our residents. The way to take action is at the federal level. The federal government requires this corn based ethanol mixture as part of its renewable portfolio standard. I think this bill would be very costly for the residents of the state of Maine and the gasoline. That's why I'm voting Ought Not to Pass. Thank you.

On motion by Senator **KATZ** of Kennebec, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, I just wanted to get up and request that the members follow my light on this one so that we can move on to the Majority Ought to Pass Report because we can't talk about things like how food prices have gone up and other things like that. I'd love to do that so that we can move on to the Minority Report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Arostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I don't relish getting up and speaking against my good friend, Senator Boyle. This has been an issue that I have not agreed with for a number of years while I've been in the Senate and the House. I think there were some very smart and influential people in the mid-western states that were able to lobby and get ethanol into gas. I can't blame them. It certainly

helped their interests. What we have now is, and we've debated this already in this Body, food insecurity and people not having enough food throughout the week and what we've seen with corn prices. I believe eight bushels of corn just makes 21 gallons of ethanol. Those eight bushels of corn can feed a person throughout the year. Basically we're putting our food into our gas tanks and it's not really even showing a benefit because it's raising the price of the gas anyways. I think that when we started putting ethanol in is when actually the price of gas started going out of control. It's not just the cost of gas. It's the things that you have to add to it. We're a cold weather state. People park their snowmobiles in the summer. They park their four-wheelers come winter. We have to put additives in there to make sure that the water doesn't separate from the gas for when you come back to it a couple of months later. I don't know how many stories I've heard about people having engines that were ruined because the ethanol separated. All those things are extra costs that people have to put in, just adding the additives and stabilizers. It doesn't make sense. It doesn't work well for this state. It's something that I don't think we ever should have been forced to do. I actually think that this idea of joining other states has great merit. Maybe the amount of states isn't right at this point, but taking a stand to tell the federal government that we don't want this in our fuel is a good thing. I believe our constituents want that. I was on the Labor, Business, Research and Economic Development Committee last year and we heard clearly that auto manufacturers were not going to warrantee engines if we had E-15 in our gas even though those same mid-western states are pushing for more E-15 and more ethanol in the gas. Obviously raising the price of gas and it raises the price of the corn. They win on both ends. The auto manufacturers are saying that their engines can't take E-15. If it can't take E-15 I've got to believe that E-10 is bad also. If that's the borderline where they are going to say, "No, we're not going to warrantee our engines anymore," you've got to believe that E-10 is not good for it either. We don't force people that fly airplanes to have ethanol in their gas. I think there is probably a pretty good reason behind that too. I think that people realize that engines can give out. When you're up in the air you're probably going to have a hard time at that point. I mean we can debate how good an idea it is that we try to get away from foreign oil and all of that. I agree 100% with that, but this is not the answer. Ethanol is proven to not be the answer. I've heard again from that committee that, "Well, we can't do that in Maine because we'd be the only state." I think that this attempt of bringing in more states makes this more possible. If we did have, maybe it isn't three, maybe if we had five states then there is a market here that blenders could say, "Okay, the northeast doesn't have ethanol and we can do this." I don't understand the supply chain anyways. Most of the gas that I get is coming out of Canada. I'm right alongside of it. They tell us it's transportation costs, but you go down to Bangor and the cost of gas is cheaper there even though it's coming out of Canada and going by me. I never understood their arguments there. I think if five states or six or whatever in New England was able to do this, I clearly think that they could blend it without ethanol. It wouldn't be any more costly. Quite honestly, even if it did have some cost to it, the cost that we're paying for now I don't even think you can measure. We're losing miles-per-gallon. We're losing our engines and the cost to repair. Additives. Personally, I would pay a couple cents more, but I don't even believe that is going to be the case. I think if we put enough states in they can do this and they can make it work for New England, just like we're going to do with some other

types of industries. I've just got to say that I think that voting for this is going to make your constituency very happy because I don't know of, I haven't heard of, anyone who thinks this has been a good deal for Maine. I would encourage you to vote against the pending motion and come on over because the water is not too bad where I'm standing.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I can tell you that in my 12 years down here, this session is more déjà vu all over again, all over again, as Yogi Berra says. We are in déjà vu all over again because, in fact, we dealt with this with the good Senator Schneider last year when she was here and was on the same side as my good friends, the two Senators who spoke previously to me. Let me be the first to give you a little bit of history. The first product that we had in our gasoline is a product called lead. You all know how bad lead was and the reason lead was put in gasoline was so it could maintain the octane. Let me give you a quick explanation of octane because I think I finally understand that. In your automobile engine, which I really know nothing about, which is why I'm a Senator I guess, when your gas comes into that it has to be carried up to the spark plugs so that it can be exploded and drive the piston back down again. You put lead in that to create that bubble to stay up there so it gets to the spark plug. That's what we used lead for. We all know what lead did to the atmosphere. We all know what it did to the environment. It was replaced by a product called MTBE. Now some of you may remember MTBE because that was a very nasty chemical. We found out, in fact, when it got into the ground water and did some significant damage.

We, the state of Maine, in 2002, I happened to be here when we did that, banned MTBE in the product, but they still had to find something that would substitute for that bubble to get up to the spark plug. It was ethanol. Yes, there are other reasons why ethanol is in the gas and I'll come to that. I want you to know that because all the gas we have in the state of Maine, if we went to ethanol free, would have at a minimum 5% ethanol. If you pass this bill, you will have no ethanol, no octane, and your engine won't work very well, I can promise you that.

The second thing is, as I said, 5% is here. We have been estimated in the committee that the price of gas will go up between 25¢ and 50¢ a gallon because with just three states in this, and even if it's five, all five New England states, we represent roughly about, maybe it's been estimated, 3% to 5% of the gas that is used in the nation. They are not going to blend it special for us. It would have to be a boutique gas. In addition to that, if they were able to bring it in here, under the Clean Air Act and the Renewable Credits Program, they are going to have to buy renewable credits. That's an additional 10¢ per gallon. I'm glad my good friend can pay a few cents more, but I'm not so sure his constituents are going to pay 75¢ or 53¢ more a gallon. As I said, it would be a boutique gas. Most importantly, if we change this there is a good chance it might be considered a violation of the Clean Air Act.

I've heard a little bit about food prices. Let me remind you, I've just told you the price of gas is going to go up if you take this out. It's going to go up. To plow the fields, it's going to cost more. To transport the food to the market, it's going to cost more. This doesn't solve that problem. Let me end by this, we did take

a very, very significant stand in this Legislature. We said no more E-15. We said no to that. In fact, we're the first state in the nation that has sent a Resolve to Washington and said, "We don't want E-15." We passed a law that said you cannot bring greater than E10 into the state of Maine. We've taken very bold steps; first in the nation. This action, supporting this, would be the right thing to do because it meets the requirements of the Clean Air Act and what we need to do to make our cars run. Thank you very much, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, the sky isn't going to fall if we don't pass this bill the way it's written. If we don't do something for dairy farmers, the sky is going to fall for a lot of them. I'm getting letters, I've got neighbors, and I've got a friend who milks cows for a living. The price of grain has gone through the roof in large part because of the corn we're putting in our gasoline. Something has got to be done to help these people and I think this would be a good start. As far as the price of gasoline, the mileage I've lost, if the price went up 25¢ I think I would still be ahead. The gas that we had before ethanol was a lot better and the mileage was a lot better. That doesn't mention all the small engines that have been damaged by all this ethanol. It may be great for corn farmers in the mid-west, but it's not worked out so well for us. Then there is the price of food. The price of meat, the price of poultry, and the price of eggs have all gone up because we're burning our breakfast. Please vote against this motion. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I do want to address one issue about the reduction in the mileage in your vehicles. You have to recognize that, yes, ethanol is about 100,000 BTUs, this is your education in BTUs. Gas is 130,000 BTUs. There is about roughly a 30% difference. The fact is that it's 10% of the volume, so it's about a 3% difference. You mileage that you suffer loss of is about 3%. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Boyle to Accept the Minority Ought Not to Pass Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#76)

YEAS: Senators: BOYLE, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, MASON, MAZUREK, SAVIELLO, SHERMAN, VALENTINO, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CAIN, COLLINS, CUSHING, GERZOFSKY, JACKSON, LANGLEY, MILLETT, PATRICK, PLUMMER, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BOYLE** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Senator **MASON** of Androscoggin moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/9/13) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Exempt the Sale of the United States Flag from the Sales Tax"

H.P. 693 L.D. 979

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-122)** (3 members)

Tabled - May 9, 2013, by Senator **GOODALL** of Sagadahoc

Pending - motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, May 8, 2013, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-122)**.)

(In Senate, May 9, 2013, Reports **READ**.)

Senator **HASKELL** of Cumberland requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by same Senator, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-122) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/9/13) matter:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Establish the Geospatial Data Reserve Fund"

S.P. 302 L.D. 877

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-64)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 9, 2013, by Senator **BOYLE** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 9, 2013, Reports **READ**.)

On motion by Senator **BOYLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-64) **READ**.

On motion by Senator **SAVIELLO** of Franklin, Senate Amendment "A" (S-87) to Committee Amendment "A" (S-64) **READ**.

**THE PRESIDENT**: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO**: Thank you Mr. President. Ladies and gentlemen of the Senate, this is not a gas bill. It simply says, accounting-wise, that we set up a federal fund to accept this money if we are successful. It needs to be set up expressly different. It's an accounting correction. That's all it is. It's a friendly amendment. Thank you very much, Mr. President.

On further motion by same Senator, Senate Amendment "A" (S-87) to Committee Amendment "A" (S-64) **ADOPTED**.

Committee Amendment "A" (S-64) as Amended by Senate Amendment "A" (S-87) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64) AS AMENDED BY SENATE AMENDMENT "A" (S-87)** thereto.

Ordered sent down forthwith for concurrence.



The Chair laid before the Senate the following Tabled and Later Assigned (5/14/13) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Directing the Department of Environmental Protection To Develop Quantitative Odor Management Standards

H.P. 116 L.D. 141

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-144)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 14, 2013, by Senator **BOYLE** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, May 9, 2013, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)**.)

(In Senate, May 14, 2013, Reports **READ**.)

On motion by Senator **BOYLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-144) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **SAVIELLO** of Franklin, Senate Amendment "A" (S-89) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. This amendment clarifies that the rules of the Resolve on odor rules is really dealing with wastewater treatment sludge from publicly owned treatment works and facilities that store septage. It is just a clarification so we make sure we address the right issues. Thank you very much, Mr. President.

On further motion by same Senator, Senate Amendment "A" (S-89) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144) AND SENATE AMENDMENT "A" (S-89), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/14/13) matter:

SENATE REPORT - from the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** on Bill "An Act To Strengthen Maine's Workforce and Economic Future" S.P. 41 L.D. 90

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-71)**

Tabled - May 14, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT**

(In Senate, May 14, 2013, Report **READ**.)

Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-71) **READ**.

On motion by Senator **GOODALL** of Sagadahoc, Senate Amendment "A" (S-83) to Committee Amendment "A" (S-71) **READ** and **ADOPTED**.

Committee Amendment "A" (S-71) as Amended by Senate Amendment "A" (S-83) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-71) AS AMENDED BY SENATE AMENDMENT "A" (S-83)** thereto.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (5/14/13) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure the Effectiveness of Constitutional Officers" S.P. 325 L.D. 947

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-68)** (6 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - May 14, 2013, by Senator **LACHOWICZ** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 14, 2013, Reports **READ**.)

Senator **LACHOWICZ** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Senate at Ease.

Senate called to order by the President.

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On motion by Senator **LACHOWICZ** of Kennebec, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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Off Record Remarks

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Thursday, May 16, 2013, at 10:00 in the morning.